



UNITED STATES DEPARTMENT OF COMMERCE

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MAILED: May 10, 1993

Paper No. 14

In re application of
Paul R. Schimmel
Serial No. 07/586,534
For: DESIGNING COMPOUNDS
SPECIFICALLY INHIBITING
RIBONUCLEIC ACID

: Decision on Request
for Reconsideration
:

Applicant had filed, on March 22, 1993, a petition for the remailing of the Office action issued November 20, 1992, under the provisions of 37 CFR 1.181, on the basis of applicant's failure to receive the Office action. Applicant notified the Office by telecon on March 17, 1993 that the Office action had not been received and a copy thereof was telefaxed to applicant's attorney on March 18, 1993. The petition was denied, on March 29, 1993 on the basis that applicant had not provided sufficient evidence of the failure to receive the Office action, as established in Delgar Inc. v Schuyler, 172 USPQ 513.

On April 22, 1993, applicant filed a request for reconsideration of the original petition decision and included sufficient evidence of the failure to receive the November 20, 1992 Office action. On the basis of such evidence, the request for reconsideration, as well as the petition, is granted. A copy of the Office action in question is attached hereto and the period for response thereto is set to expire three months from the date of mailing of the original petition decision (i.e., the reset Shortened Statutory Period will expire on June 29, 1993). The foreshortening of the response period is appropriate, since that is the date that would have been set if applicant's original petition had been complete. Applicant is not disadvantaged thereby in view of applicant's possession of a telecopy of the Office action in question which was provided by the examiner on March 18, 1993.

REQUEST AND PETITION GRANTED

Barry S. Richman, Director
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